

REMARKS

Applicants currently intend to submit a substitute specification shortly.

Claims 1-3 have been amended in a non-limiting manner so that they better conform to U.S. practice.

Claims 1-5 are currently pending, although claims 4 and 5 have been withdrawn from consideration.

The Office Action rejected claims 1-3 under 35 U.S.C. § 112. In view of the above amendments, Applicants respectfully submit that this rejection has been rendered moot and that this rejection should be reconsidered and withdrawn.

The Office Action also rejected claims 1-3 under 35 U.S.C. § 103 as obvious over PCT patent application publication no. 02/076,611 (“Kondo”). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

The pending claims require producing catalysts using an organic binder containing at least two compounds having different viscosity properties. Applicants have found that processes for making catalysts using such an organic binder component containing compounds having the required viscosities result in catalysts having improved activity and selectivity properties. Kondo neither teaches nor suggests using an organic binder component containing compounds having the required viscosities, or that using such an organic binder component would result in catalysts having improved activity and selectivity properties. Thus, Kondo neither teaches nor suggests the claimed processes.

The Office Action bases the pending § 103 rejection on the assumption that Kondo’s materials inherently possess the required viscosity characteristics. However, such an

assumption is not well-founded. For example, as can be seen in example 1 of the present application, compounds can have widely varying viscosity properties. In example 1, two different hydroxypropylmethylcellulose compounds having different viscosity properties are used. Thus, merely because Kondo discloses two compounds does not mean that Kondo discloses two compounds having the required viscosities or any benefits from using the two compounds having the required viscosities. Stated another way, one skilled in the art, following Kondo, would not be led to using two different compounds having the required viscosity properties --- Kondo is silent concerning the use of compounds having the required viscosities.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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